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VAN LEEUWEN & VAN LEEUWEN			LU, KUEN S	
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2167

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,523

Applicant(s)

EHRICH ET AL.

Examiner

Kuen S. Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/19/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Action is responsive to Applicant's Application filed February 19, 2004. Claims 1-25 are pending.

#### ***Information Disclosure Statement***

2. Information Disclosure Statements filed February 19, 2004 is considered and corresponding PTO-1449 is electronically signed and attached.

#### ***Drawings***

3. The drawings, filed February 19, 2004, are considered in compliance with 37 CFR 1.81 and accepted.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 4.1. As set forth in MPEP 2106 (II) (A):

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

4.2. Claims 1, 14 and 8 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 1, the claimed invention represents a method of storing configuration preferences after some receiving and identifying steps. The methodology does not identify receiver of the preferences or, assert or establish usefulness of the preferences. Unspecific receiving and storing data itself does not produce useful or tangible result. The methodology is abstract because no useful or tangible result ensued. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory.

As per claim 14, the claimed invention represents a program product of storing configuration preferences after some receiving and identifying steps. The program product does not identify receiver of the preferences or, assert or establish usefulness of the preferences. Unspecific receiving and storing data itself does not produce useful or tangible result. The steps are abstract because no useful or tangible result ensued. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory.

As per claim 8, the claimed invention represents a system for storing configuration preferences after some receiving and identifying steps. The program product does not assert or establish usefulness of the preferences. Storing data itself does not produce

useful result. The steps are abstract because no useful result ensued. However, a tangible, concrete **and** useful result is required in a practical application test. The consequence is non-statutory.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.1. Claims 1-25 are rejected under 35 U.S.C. 102(e) as anticipated by Abdelhak\_(U.S. Patent Application 2005/0097190).

As per claim 23, Abdelhak teaches "An information handling system" (See Abstract where system fro providing personal internet portal page to user) comprising:

"one or more processors" (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages);

"a memory accessible by the processors" (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages);

“one or more nonvolatile storage devices accessible by the processors” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages); and

“a page configuration tool for configuring a page of data, the page configuration tool comprising software code” (See Fig. 8 and Page 6, [0068]-[0071] where software flow describes a personal internet portal page is configured) effective to;

“receive user event data from a user's client over a computer network, wherein the user event data is non-invasively collected at the user's client using a data collector program, the user event data corresponding to a user and a page of data” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page).

“identify one or more configuration preferences based upon the user event data” (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

“send a storage inquiry to the user over the computer network, the storage inquiry corresponding to the configuration preferences” (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

“receive a storage response from the user's client over the computer network, the storage response corresponding to the storage inquiry” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“store one or more of the identified configuration preferences in one of the nonvolatile storage devices based upon the storage response” (See Page 6, [0074] where storage is allocated to store user’s personal internet portal page);

“receive a page request from the user’s client over the computer network” (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in);

“determine whether the configuration preferences correspond to the page request” (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

“retrieve the configuration preferences from one of the nonvolatile storage devices in response to the determination” (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

“configure the page of data corresponding to the configuration preferences” (See Page 7, [0076]-[0078] where internet portal processor by way of a customized internet browser); and

“send the configured page of data to the user’s client over the computer network” (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user).

As per claim 24; Abdelhak teaches a program product comprising:

“computer operable medium having computer program code” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by

a processor to configure personal internet portal web pages), the computer program code being effective to:

“receive user event data, wherein the user event data is non-invasively collected at a user's client using a data collector program, the user event data corresponding to a user and a page of data” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“identify one or more configuration preferences based upon the user event data” (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

“send a storage inquiry to the user, the storage inquiry corresponding to the configuration preferences” (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

“receive a storage response, the storage response corresponding to the storage inquiry” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“store one or more of the identified configuration preferences based upon the storage response” (See Page 6, [0074] where storage is allocated to store user's personal internet portal page);

“receive a page request” (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in);



“determine whether the configuration preferences correspond to the page request”  
(See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

“retrieve the configuration preferences in response to the determination” (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

“configure the page of data corresponding to the configuration preferences” (See Page 7, [0076]-[0078] where internet portal processor by way of a customized internet browser); and

“send the configured page of data to the user” (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user).

As per claim 21, Abdelhak teaches a method comprising:

“receiving user event data, wherein the user event data is non-invasively collected at a user's client using a data collector program, the user event data corresponding to a user and a page of data” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“identifying one or more configuration preferences based upon the user event data” (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

"sending a storage inquiry to the user, the storage inquiry corresponding to the configuration preferences" (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

"receiving a storage response, the storage response corresponding to the storage inquiry" (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

"storing one or more of the identified configuration preferences based upon the storage response" (See Page 6, [0074] where storage is allocated to store user's personal internet portal page);

"receiving a page request" (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in);

"determining whether the configuration preferences correspond to the page request" (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

"retrieving the configuration preferences in response to the determination" (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

"configuring the page of data corresponding to the configuration preferences" (See Page 7, [0076]-[0078] where internet portal processor by way of a customized internet browser); and

"sending the configured page of data to the user" (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user).

As per claim 22, Abdelhak teaches a method comprising:

"receiving a page request, the page request corresponding to a page of data" (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in);

"retrieving the page of data and a data collector program" (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

"sending the page of data and the data collector program to a user's client" (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

"receiving user event data, wherein the user event data is non-invasively collected at the user's client using the data collector program, the user event data corresponding to a user and the page of data" (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

"identifying one or more configuration preferences based upon the user event data" (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

"sending a storage inquiry to the user, the storage inquiry corresponding to the

configuration preferences” (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

“receiving a storage response, the storage response corresponding to the storage inquiry” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page); and

“storing one or more of the identified configuration preferences based upon the storage response” (See Page 6, [0074] where storage is allocated to store user’s personal internet portal page).

As per claim 25, Abdelhak teaches “A program product comprising:

“computer operable medium having computer program code, the computer program code” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages and at Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in) being effective to:

“receive a page request, the page request corresponding to a page of data” (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in);

“retrieve the page of data and a data collector program” (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

“send the page of data and the data collector program to a user's client” (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

“receive user event data, wherein the user event data is non-invasively collected at the user's client using the data collector program, the user event data corresponding to a user and the page of data” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“identify one or more configuration preferences based upon the user event data” (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

“send a storage inquiry to the user, the storage inquiry corresponding to the configuration preferences” (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

“receive a storage response, the storage response corresponding to the storage inquiry” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page); and

“store one or more of the identified configuration preferences based upon the storage response” (See Page 6, [0074] where storage is allocated to store user's personal internet portal page).

As per claim 1, Abdelhak teaches "A method comprising:

"receiving user event data, the user event data corresponding to a user and a page of data" (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

"identifying one or more configuration preferences based upon the user event data" (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

"sending a storage inquiry to the user, the storage inquiry corresponding to the configuration preferences" (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

"receiving a storage response, the storage response corresponding to the storage inquiry" (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page); and

"storing one or more of the identified configuration preferences based upon the storage response" (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in).

As per claim 8, Abdelhak teaches "An information handling system comprising:

“one or more processors” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages);

“a memory accessible by the processors” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages);

“one or more nonvolatile storage devices accessible by the processors” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages); and

“a page configuration tool for configuring a page of data, the page configuration tool comprising software code” (See Fig. 8 and Page 6, [0068]-[0071] where software flow describes a personal internet portal page is configured) effective to:

“receive user event data over a computer network, the user event data corresponding to a user and a page of data” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“identify one or more configuration preferences based upon the user event data” (See Page 4, [0053] where portal configuration system configures portal based on user's selections);

“send a storage inquiry to the user's client over the computer network, the storage inquiry corresponding to the configuration preferences” (See Page 6, [0069] where user

is presented with a portal page design screen for selections of configuration parameters);

“receive a storage response from the user's client, the storage response corresponding to the storage inquiry” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page); and

“store one or more of the identified configuration preferences in one of the nonvolatile storage devices based upon the storage response” (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in).

As per claim 14, Abdelhak teaches “A program product comprising: computer operable medium having computer program code, the computer program code” (See Page 3, [0040] where instructions stored on readable medium, including hard disk drive, is executed by a processor to configure personal internet portal web pages) being effective to:

“receive user event data, the user event data corresponding to a user and a page of data” (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page);

“identify one or more configuration preferences based upon the user event data” (See Page 4, [0053] where portal configuration system configures portal based on user's selections);



"send a storage inquiry to the user, the storage inquiry corresponding to the configuration preferences" (See Page 6, [0069] where user is presented with a portal page design screen for selections of configuration parameters);

"receive a storage response, the storage response corresponding to the storage inquiry" (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page); and

"store one or more of the identified configuration preferences based upon the storage response" (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in).

As per claims 2, 9 and 15, Abdelhak teaches "the user event data is non-invasively collected at the user's client using a data collector program" (See Page 6, [0070] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page where user can select and preview choices and is not restricted to a single preview).

As per claims 3, 10 and 16, Abdelhak teaches "the following:

"receive a page request (from the user's client), the page request corresponding to the page of data" (See Page 7, [0076]-[0078] where personal internet portal page is displayed when user logs in);

"retrieve the page of data and the data collector program (from one of the nonvolatile storage devices)" (See Fig. 2, Page 3, [0037]-[0040] and Page 7, [0076]-[0078] where hard disk drive is utilized for storage and internet portal processor retrieves specific personal portal page for downloading to registered user over a network); and

"send the page of-data and the data collector program to the user's client (over the computer network)" (See Fig. 2, Page 3, [0037]-[0040] and Page 7, [0076]-[0078] where hard disk drive is utilized for storage and internet portal processor downloads specific personal portal page to registered user over a network).

As per claims 4, 11 and 17, Abdelhak teaches the following:

"receive a page request (from the user's client over the computer network)" (See Fig. 2, Page 7, [0076]-[0078] and Page 3, [0037]-[0040] where personal internet portal page is displayed when user logs in to a server over a network);

"determine whether the configuration preferences correspond to the page request" (See Page 7, [0076]-[0078] where internet portal processor downloads specific personal portal page to registered user);

"retrieve the configuration preferences (from one of the nonvolatile storage devices) in response to the determination" (See Fig. 2, Page 3, [0037]-[0040] and Page 7, [0076]-[0078] where hard disk drive is utilized for storage and internet portal processor retrieves specific personal portal page for downloading to registered user over a network);

“configure the page of data corresponding to the configuration preferences” (See Page 7, [0076]-[0078] where internet portal processor by way of a customized internet browser); and

“send the configured page of data to the user('s client over the computer network)” (See Fig. 2, Page 3, [0037]-[0040] and Page 7, [0076]-[0078] where hard disk drive is utilized for storage and internet portal processor downloads specific personal portal page to registered user over a network).

As per claims 5, 12 and 18, Abdelhak teaches “the page request includes the configuration preferences” (See Page 6, [0070] and Page 4, [0053] where user uploads collected personal content to the personal portal information processor for respective use in the personal internet portal page and portal configuration system configures portal based on user's selections).

As per claims 6, 13 and 19, Abdelhak teaches “The method of claim 1 wherein the storing further comprises:

“determining whether a user session corresponds to the user's client” (See Page 4, [0050] where a session of user is established from a user to a portal server where access is determined by session's name/password login for the user); and

“sending the configuration preferences to the user's client (over the network) in response to the determination, wherein the user's client is adapted to store the configuration preferences in a client storage area” (See Fig. 2, Page 3-4, [0037]-[0040],

[0043] and Page 7, [0076]-[0078] where hard disk drive is utilized for storage and internet portal processor downloads specific personal portal page to registered user over a network and user system is equipped with hard disk(s) for storage).

As per claims 7 and 20, Abdelhak teaches "at least one of the configuration preferences is selected from the group consisting of a scroll preference, a tab preference, and an arrangement preference" (See Page 3, [0035] where user preferably selects portal page's layout, including resizing sections, colors, fonts, point sizes, content and capturing fast tickers).

### ***Conclusion***

#### **6. The prior art made of record**

A. U.S. Patent Application 2005/0097190

**6.1** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. U.S. Patent Application 2005/0198300

C. U.S. Patent Application 2004/0148351

D. U.S. Patent Application 2003/0154277

E. U.S. Patent Application 2003/0053420

F. U.S. Patent Application 2003/0120472

G. U.S. Patent 7,027,997

### ***Contact Information***

Art Unit: 2167

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu   
Patent Examiner, Art Unit 2167

August 6, 2006